

# SENATE JOURNAL

Thirty-eighth Legislature—Regular Session.

## FIRST DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, January 9, 1923.

In accordance with the Constitution and laws of the State of Texas, the Senate of the Thirty-eighth Legislature met in the Senate Chamber of the Capitol in the City of Austin, at twelve o'clock Meridian, and was called to order by Lieutenant Governor Lynch Davidson.

Prayer was offered by the Rev. T. M. Dalton, of Austin.

## Temporary Organization.

Lieutenant Governor Lynch Davidson made the following announcements:

"I hereby announce the appointment of the following temporary officers of the Senate: Secretary, W. V. Howerton; Assistant Secretary, Richard Blalock; Journal Clerk, Tilden L. Childs; Assistant Journal Clerk, Mrs. Josephine Collins; Sergeant-at-Arms, A. W. Holt; Assistant Sergeant-at-Arms, Morris Midkiff; Doorkeeper, Dan T. Bolin.

## Roll Call of Holdover Senators.

The chair directed that the roll be called of the holdover Senators, the following answering to their names:

District No. 2—Charles R. Floyd of Annona, composed of the counties of Red River, Titus, Franklin, Hopkins, and Delta.

District No. 3—H. L. Darwin of Paris, composed of the counties of Lamar and Fannin.

District No. 4—D. S. McMillin of Grayson, composed of the counties of Grayson and Cooke.

District No. 5—Woodville Rogers of McKinney, composed of the counties of Collin, Hunt and Rains.

District No. 10—W. E. Watts of Cleburne, composed of the counties of Ellis, Johnson and Hill.

1—Senate.

District No. 11—E. E. Witt of Waco, composed of the counties of McLennan, Falls and Milam.

District No. 12—W. E. Doyle of Teague, composed of the counties of Limestone, Freestone, Robertson and Brazos.

District No. 15—H. L. Lewis of Navasota, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

District No. 16—Charles A. Murphy of Houston, composed of the counties of Harris, Fort Bend and Waller.

District No. 20—A. E. Wood of Cranger, composed of the counties of Williamson, Travis, Burnet and Lampasas.

District No. 26—J. H. Baugh of Ballinger, composed of the counties of Erath, Comanche, Mills, San Saba, McCullough, Concho, Runnels, Coleman, Brown and Llano.

District No. 28—Joe Burkett of Eastland, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

## Absent.

District No. 13—I. D. Fairchild, Lufkin, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

## List of State Senators Elected at the General Election Held November Seventh, 1922.

District No. 1—Turner, P. A., Texarkana, Texas.

District No. 6—Davis, John, Dallas, Texas.

District No. 7—Pollard, Thomas G., Edom, Texas.

District No. 8—Strong, J. G., Carthage, Texas.

District No. 9—Woods, James H., Corsicana, Texas.

District No. 14—Cousins, W. R., Bronson, Texas.

District No. 17—Holbrook, T. J., Galveston, Texas.

District No. 18—Clark, Dr. I. E., Schulenberg, Texas.

District No. 19—Bowers, R. S., Caldwell, Texas.

District No. 22—Bailey, J. H., Cuero, Texas.

District No. 23—Parr, Archie, Benavides, Texas.

District No. 24—Ridgeway, T. H., San Antonio, Texas.

District No. 25—Dudley, R. M., El Paso, Texas.

District No. 27—Thomas, J. W., Rogers, Texas.

District No. 29—Bledsoe, W. H., Lubbock, Texas.

District No. 30—Stuart, R. A., Ft. Worth, Texas.

District No. 31—Rice, W. H., Decatur, Texas.

United States of America,  
The State of Texas.

I, S. L. Staples, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a true and correct list of the Senators whose election has been certified to this Department in accordance with the law, as having been elected on November the seventh, A. D. 1922.

In testimony whereof, I have hereunto signed my name officially and caused the seal of State to be hereon impressed at the City of Austin, Texas, this the 9th day of January, A. D. 1923.

(Seal)

S. L. STAPLES,  
Secretary of State.

#### Roll Call.

The Chair directed the Secretary

to call the roll and the following Senators answered to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Fairchild.

A quorum was announced present.

Prayer by Rev. T. M. Dalton of Austin.

#### Oath of Office Administered.

By request of the Chair, the above Senators-elect appeared before the bar of the Senate en masse, said Senators taking the constitutional oath of office, administered by Lieutenant Governor Lynch Davidson.

#### Simple Resolution No. 1.

By Senator Bailey:

Be it Resolved, That the present holdover Senators and those re-elected be allowed to retain their present seats and that newly elected Senators be allowed to occupy the seats of their predecessors, provided that any Senator shall have the privilege of exchanging seats with any other Senator by agreement.

The resolution was read and adopted.

#### Permanent Organization.

Senate Chamber,  
Austin, Texas,

Tuesday, January 9, 1923.

Hon. Lynch Davidson, Lieutenant Governor:

A caucus was held in the Secretary's office of the Senate, attended by thirty Senators and Senators-elect, and by unanimous vote of those present it was agreed that those Senators present

holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate employees for the ensuing Regular Session of the 38th Legislature.

Senator Clark was elected Chairman of the caucus, and Senator Witt was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate during the Regular Session of the Thirty-eighth Legislature:

Secretary, W. V. Howerton.  
 Assistant Secretary, Richard Blalock.  
 Journal Clerk, Tilden Childs.  
 Assistant Journal Clerk, Josephine Collins.  
 Second Assistant Journal Clerk, Rebecca Bradley.  
 Sergeant-at-arms, A. W. Holt.  
 First Assistant Sergeant-at-arms: J. A. Kinney.  
 Second Assistant Sergeant-at-arms: Morris Midkiff.  
 Third Assistant Sergeant-at-arms: Morris Hankins.  
 Calendar Clerk, Hester Streitch.  
 Assistant Calendar Clerk, C. A. Crocker.  
 Mailing Clerk, Mrs. W. S. Banks.  
 First Assistant Mailing Clerk, Mrs. Sturdivant.  
 Second Assistant Mailing Clerk, Miss Mary Jones.  
 Postmistress, Miss Anne Allen.  
 Chaplain, Rev. T. M. Dalton.  
 Telephone operator, Miss Mary Jacobs.  
 Doorkeeper, W. H. Brummet.  
 Assistant Doorkeeper, Lane Tynes.

It is further recommended that the chairmen of the Enrolling and Engrossing Committees be authorized to employ enrolling and engrossing clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Enrolling and Engrossing Clerks shall each receive \$7.50 per day respectively for their services.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each committee of which said Senator shall be chairman.

It is further recommended that the President of the Senate have exclusive appointment of such number of

pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall receive five dollars per day, except that the Secretary of the Senate and the Journal Clerk and Sergeant-at-arms shall each receive \$7.50 per day, and except further that the pages and porters shall receive two dollars per day, the head porter receiving three dollars per day.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a secretary and an assistant secretary and personal messenger, and that their salaries be the same as during the Thirty-seventh Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2,000 copies of the Daily Journal be printed and that the same be prorated among the Senators and the Lieutenant Governor; except that 300 shall be furnished the members of the House.

It was further recommended that the Sergeant-at-arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed four dollars per month.

It was further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and receiving of telephone messages and telegraph messages that may be actually necessary in the discharge of his official duty.

It was further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, and a stenographer to the Finance Committee, and that their salaries be the

same as during the Thirty-seventh Legislature.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

CLARK, Chairman.

WITT, Secretary.

The above report was read, and on motion of Senator Rogers, was adopted.

On motion of Senator Bailey, the Secretary of the Senate was instructed to cast the ballot of the Senate for the above named officers, which was accordingly done, and they were declared elected.

#### **Oath Administered to Officers.**

The Chair directed that those named above appear at the bar of the Senate.

Their names were called and the constitutional oath of office was administered.

#### **Senators-elect Representing Counties of:**

District No. 1—P. A. Turner, Texarkana, composed of the counties of Bowie, Cass, Morris and Marion.

District No. 6—John Davis, Dallas, composed of the counties of Dallas and Rockwall.

District No. 7—Thomas G. Pollard, Edom, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

District No. 8—J. G. Strong, Carthage, composed of the counties of Harrison, Gregg, Rusk, Panola and Shelby.

District No. 9—James H. Woods, Corsicana, composed of the counties of Navarro, Henderson and Kaufman.

District No. 14—W. R. Cousins, Bronson, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

District No. 17—T. J. Holbrook, Galveston, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

District No. 18—Dr. I. E. Clark, Schulenberg, composed of the counties of Colorada, Lavaca, Fayette, Austin,

District No. 19—R. S. Bowers, Caldwell, composed of the counties of Washington, Burleson, Lee and Bastrop.

District No. 22—J. H. Bailey, Cuero, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

District No. 23—Archie Parr, Benavides, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmitt, La Salle, Willacy, Jim Wells, Kenedy, Brooks, Jim Hogg and Kleburg.

District No. 24—T. H. Ridgeway, San Antonio, composed of the counties of Bexar, Bandera, Kendall, Gillespie, Kerr and Real.

District No. 25—R. M. Dudley, El Paso, composed of the counties of Hudspeth, Kimble, Menard, Sutton, Schleicher, Tom Green, Sterling, Coke, Irion, Pecos, Brewster, Jeff Davis, Presidio, El Paso, Val Verde, Edwards, Kinney, Uvalde, Mason, Crockett, Medina, Zavala, Reeves, Maverick, Reagan, Terrell and Culberson.

District No. 27—J. W. Thomas, Rogers, composed of the counties of Bell, Coryell, Bosque and Hamilton.

District No. 29—W. H. Bledsoe, Lubbock, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby Childress, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts Hemphill, Ochiltree, Lipscomb, Hansford, Sherman and Dallas.

District No. 30—R. A. Stuart, Fort Worth, composed of the counties of Tarrant, Parker, Hood and Somervell.

District No. 31—W. H. Rice, Decatur, composed of the counties of Wise, Denton and Montague.

#### **Senate Simple Resolution No. 2.**

By Senator Woods:

Be it Resolved, That the Senate rules adopted by the Thirty-seventh Legislature be and they are hereby adopted as the temporary rules for

the Senate of the Thirty-eighth Legislature, now assembled, and that the rules thus temporarily adopted shall prevail until the adoption of permanent rules.

The resolution was read and on motion of Senator Woods, was adopted.

### Simple Resolution No. 3.

By Senator Doyle:

In keeping with the direction of the Senate caucus in relation to the enrolling and engrossing clerks, we submit to the Senate the names of the following men:

Edward Mixson, as Engrossing Clerk.

Carl L. Boes, as Enrolling Clerk.

DOYLE

DARWIN

The resolution was read and adopted.

### Oaths of Office Administered.

The Chair directed that Mr. Mixson and Mr. Boes appear before the bar of the Senate and the constitutional oath was administered to them.

### Election of President Pro Tem.

The Chair announced that nominations for President Pro Tem were in order.

Senator Bledsoe, in a brief address, nominated Senator R. M. Dudley for the place.

Senators Cousins, Woods, Watts, Bailey, Witt, McMillin, Murphy, Floyd and Darwin seconded the nomination.

There being no other nominations, the Chair declared nominations closed.

The Chair appointed Senators Rice, Pollard and Holbrook as tellers.

The vote was cast and the Chair announced that Senator Dudley had received the unanimous vote of the Senate, and declared him duly and constitutionally elected.

The Chair appointed Senators Parr, Watts, Bailey, Woods and Bledsoe as a committee to escort Senator Dudley to the bar of the Senate and the constitutional oath of office was administered to him by Lieutenant Governor Lynch Davidson.

Senator Dudley was presented to the Senate by the Chair, and in a brief address thanked them for the honor conferred upon him.

### Standing Committees, Appointment of.

The Chair, Lieutenant Governor Lynch Davidson, here announced the appointment of the following standing committees of the Senate:

Agricultural Affairs—Cousins, Chairman; Parr, Vice-Chairman; Pollard, Stuart, Clark, Fairchild.

Civil Jurisprudence—Bailey, Chairman; Burkett, Vice-Chairman; Bowers, Fairchild, Bledsoe, Murphy, Lewis.

Counties and County Boundaries—Strong, Chairman; Burkett, Vice-Chairman; McMillin, Turner, Dudley.

Constitutional Amendments—Woods, Chairman; Turner, Vice-Chairman; Davis, Witt, Doyle, Bledsoe, Thomas, Murphy, Baugh.

Contingent Expense—Rogers, Chairman; Witt, Vice-Chairman; Watts, Clark, Pollard.

Commerce and Manufactures—Darwin, Chairman; Fairchild, Vice-Chairman. Burkett, Bowers, Fairchild.

Criminal Jurisprudence—Turner, Chairman; J. H. Woods, Vice-Chairman; Witt, Strong, Thomas, Pollard, Baugh, Davis, Ridgeway.

Educational Affairs—Wood, Chairman; Darwin, Vice-Chairman; Rogers, Burkett, Stuart, Floyd, Thomas, Cousins.

Engrossed Bills—Doyle, Chairman; Strong, Vice-Chairman; Thomas.

Enrolled Bills—Darwin, Chairman; Rice, Vice-Chairman; Lewis.

Federal Relations—Stuart, Chairman; Ridgeway, Vice-Chairman; Bailey, Pollard, Bledsoe, Woods.

Finance—Dudley, Chairman; Wood, Vice-Chairman; Clark, Ridgeway, Parr, Burkett, Woods, Floyd, McMillin.

Insurance and Banking—Holbrook, Chairman; Rogers, Vice-Chairman; Davis, McMillin, Wood, Stuart, Thomas, Floyd, Baugh, Watts.

Internal Improvements—Fairchild, Chairman; McMillin, Vice-Chairman; Rice, Bailey, Parr.

Judicial Districts—Pollard, Chairman; Fairchild, Vice-Chairman; Bowers.

Labor—Murphy, Chairman; Cousins, Vice-Chairman; Davis, Fairchild, Stuart.

Mining, Irrigation and Drainage.—Bledsoe, Chairman; Holbrook, Vice-Chairman; Burkett, Parr, Dudley.

Representative Districts—Rice, Chairman; Pollard, Strong.

Military Affairs—Baugh, Chairman; Fairchild, Vice-Chairman; Rogers, Pollard, McMillin.

Nominations by the Governor—Floyd, Chairman; Thomas, Vice-Chairman; Darwin, Watts, Lewis, Wood.

Privileges and Elections—Davis, Chairman; Baugh, Vice-Chairman; Watts, Bailey, Turner, Parr.

Public Buildings and Grounds—Bowers, Chairman; Wood, Vice-Chairman; Stuart, Doyle, Floyd.

Public Printing—Pollard, Chairman; Murphy, Vice-Chairman; Bowers, Clark, Rogers.

Public Lands and Land Office—Thomas, Chairman; Turner, Vice-Chairman; Dudley, Wood, Parr.

Public Health—Clark, Chairman; Holbrook, Vice-Chairman; Bledsoe, Floyd, Ridgeway.

Public Debts, Claims and Accts—Watts, Chairman; Bowers, Vice-Chairman; Darwin.

Roads, Bridges, and Ferries—Burkett, Chairman; Floyd, Vice-Chairman; Davis, Strong, Clark, Holbrook, Cousins, Ridgeway, McMillin.

Rules—Rogers, Chairman; McMillin, Vice-Chairman; Witt, Lewis, Bowers.

Senatorial Districts—Rice, Chairman; Doyle, Vice-Chairman; Murphy, Bailey, Bledsoe, Pollard.

State Affairs—Witt, Chairman; Ridgeway, Vice-Chairman; Darwin, Strong, Stuart, Rogers, Floyd.

State Institutions and Departments—McMillin, Chairman; Stuart, Vice-

Chairman; Bledsoe, Fairchild, Burkett.

State Penitentiaries—Lewis, Chairman; Witt, Vice-Chairman; Woods, Wood, Rice, Fairchild, Holbrook, Watts, Baugh.

Stock and Stock Raising—Parr, Chairman; Bowers, Vice-Chairman; Baugh, Dudley, Woods.

Town and City Corporations—Ridgeway, Chairman; Davis, Vice-Chairman; Murphy, Turner, McMillin.

Congressional Districts—Bledsoe, Chairman; Floyd, Vice-Chairman; Pollard, Strong, Doyle, Lewis, Woods.

#### S. R. No. 4, Notification Committees.

By Senator Bailey:

Be it resolved, That the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to receive from him such messages as he may deem fit to transmit to it.

Be it further resolved, That the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business.

The resolution was read and was adopted.

In accordance with the above resolution the Chair announced the appointment of the following committees:

To notify Governor: Senators Bailey, Holbrook and Ridgeway.

To notify House: Senators Bledsoe, Burkett and Cousins.

The committee to notify the Governor discharged its duties and was discharged.

#### Senate Concurrent Resolution No. 1.

By Senator Bailey:

Be it resolved by the Senate and the House of Representatives concurring, That the President of the Senate appoint three Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count votes in the recent election

for Governor and Lieutenant Governor and to make all necessary arrangements for their inauguration.

The resolution was read and adopted.

#### Recess.

At 1:15 o'clock p. m. Senator Bledsoe moved that the Senate recess until 3 o'clock p. m. today.

The motion was adopted.

#### Afternoon Session.

The Senate was called to order by Lieutenant Governor Lynch Davidson.

#### Pages and Porters.

The Chair announced the appointment of the following pages and porters:

Pages—William Eilers, Jr.; Fred Rowland; David Ramsey; Edwin Summers; Thomas Johnson; Billy Ware; Buster Pound; William Dunn; C. C. Dorsey; Willie Hurt; Billy Smith; Fred Hargis; Arthur Jackson; Bob Pinkston; Joe Erwin.

Porters—Jim Jackson; Buck Green; John Roberts; Benn Thompson; Tom Burton; Sylvester Bright; Sam Grant; General Jackson, Jr.; Bud Noble; James Holland; Monroe Williams.

#### Bills on First Reading.

By Senator Dudley:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Forty Thousand Dollars, or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Thirty-eighth Legislature of the State of Texas, providing how accounts may be approved and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of one hundred and twenty-five thousand dollars, or so

much as may be necessary, payable out of the general revenue not otherwise appropriated, to pay the per diem of officers and employees of the Thirty-eighth Legislature of the State of Texas, providing for the approval of accounts and declaring an emergency."

Read first time and referred to Committee on Finance.

#### To Arrange Memorial Services For Senator W. L. Hall.

Senator Bailey announced the death of former Senator W. L. Hall, and moved that a committee of three be appointed to arrange for memorial services in respect to his memory.

The motion was unanimously adopted by a rising vote.

The Chair announced the appointment of the following committee in accordance with the above resolution: Senators Bailey, Holbrook and Lewis.

#### Report of Board of Managers of Texas State Railroad.

The Chair laid before the Senate the following report:

Lieutenant Governor's Office,  
Austin, Texas, January 9, 1923.

To the Members of the Texas Senate,  
Austin, Texas.

Gentlemen: In compliance with the statute creating the Board of Managers of the Texas State Railroad, please find enclosed herewith the report rendered the Governor of Texas, submitting for your consideration all of the transactions and the entire operations of the State Railroad while in the custody of the Board of Managers created by your honorable body.

In submitting this report, may we hope that our work will meet with your approval.

Sincerely yours,  
LYNCH DAVIDSON,  
Lieutenant Governor.

Austin, Texas, January 9, 1923.

To the Thirty-eighth Legislature of Texas, Regular Session:

I take pleasure in presenting to your Honorable Body this copy of semi-annual report submitted to His Excellency the Governor, of the Board of Managers, Texas State Railroad, for

the period from June 30, 1922, when the last report was made, to and inclusive of January 6, 1923.

Itemized statements covering all deposits of funds in the State Treasury, and all warrants drawn upon the Treasury and disbursements made during the period for which this report is made, have been certified by the Comptroller of the State and are attached hereto as a part of this report. Exhibit "A" hereto attached being statement of deposits and warrants from August 16, 1921, when the last report was made to the Thirty-seventh Legislature, down to and inclusive of July 1, 1922; exhibit "B" being statement from July 1, 1922, down to January 6, 1923; exhibit "C" showing cash in the State National Bank at this time; and exhibit "D" being statement showing the financial condition of the road.

Briefly reviewing the past activities of the Board of Managers as reflected by our previous reports: The Board, upon taking over the State Railroad in accordance with Senate Bill 267, in March, 1921, found the road incapable of operation with safety to the person and property of its patrons and its operations were conducted at a monthly deficit of from five to eight thousand dollars. The Board immediately began the task of rehabilitation, and in the course of several months succeeded in restoring the road to a condition acceptable to the Southern Pacific for lease.

On August 24, 1921, Senate Bills 13 and 14, Second Called Session, were approved by your Excellency, ratifying and embodying in statute the contract between this Board and the Southern Pacific Lines for the operation and maintenance of the Texas State Railroad. On November 5, 1921, operation by the Southern Pacific began under its five-year lease.

The State Railroad was originally laid with fifty-six, sixty and sixty-one pound rail. In order to increase the value of the line by relaying with heavier weight rail, the Board of Managers negotiated with the State Highway Commission and the Federal Bureau handling disposition of surplus war material, for sufficient eighty-pound rail, angle bars, bolts, spikes, etc., to relay the State Railroad. The work of relaying was awarded to W. H. Nichols of Dallas, the lowest bidder, at \$325 per mile. The relaying was completed in May, 1922.

Money was secured to carry forward this work by selling a portion of the old equipment and rolling stock of the State Railroad, most of which was rusting and deteriorating. In this connection the following sales were made:

Locomotive engine No. 7, sold to Birmingham Rail & Locomotive Works ....	\$12,500.00
One motor car, sold to C. E. Bufkin, Palestine....	85.00
14 box and flat cars to King Creek Lbr. Co. ....	2,100.00

Negotiations for the sale of the old rail belonging to the State Railroad, which was replaced with new 80-pound rail, resulted in the following sales:

To Birmingham Rail & Lo- comotive Works, 100 tons	\$25,867.50
To Birmingham Rail & Lo- comotive Works, 28.97 tons	753.22
To Birmingham Rail & Lo- comotive Works, 28.839 tons	692.13
To Wier Long Leaf Lbr. Co., 295.145 tons	7,378.66
To Wier Long Leaf Lbr. Co., 2 switch sets	150.00
To Sugarland Industries, 213.72 tons	5,449.86
To Geo. W. Cleveland, Jr., 66 tons	1,670.00
To Delta Land & Timber Co., 390.45 tons	9,956.47
To Birmingham Rail & Loco- motive Co., 62.232 tons	1,586.92
To Cia. Minera de Penoles, S. A., 15 switch sets	975.00
	<b>\$54,833.56</b>

After the removal of the convicts from the State Railroad, the Board had no further use for the convict building erected at Maydelle, and sold the same to G. S. Huston, et al, for a consideration of \$800.00.

There have been paid against the above amounts some small claims as shown in attached Exhibit "B," occasioned by adjustment of weights, etc.; and there are pending several similar claims now not to exceed in the aggregate \$500.00.

Practically all funds received from the foregoing sales were deposited in the bank and later transmitted by check to the Treasury of the State to the credit of Appropriation C-3524.

In September and October of 1921, the Board received from claims against the Federal Government, under the Transportation Act, 1920, Section 204,



the sums of \$11,550.00 and \$3,403.80, which were transmitted to the State Treasury. Claim for \$31,737.87 under Section 209 of the Transportation Act, 1920, has been filed with the Interstate Commerce Commission. The Board is actively and vigorously pressing this claim, the Chairman having recently made a trip to Washington for that purpose, and the Board hopes that a substantial portion, if not all claimed, will be recovered in the near future on behalf of the Texas State Railroad.

On December 15, 1921, the balance of the "Hospital Fund" remaining after all employees and previously employed persons whom the Board located were at the time the Board took over the road, refunded the full amounts paid into this fund, which was on deposit in a local Palestine bank, was remitted to the State Treasury, to the credit of the Railroad's general appropriation fund. A statement covering this matter was attached to our former report of February 28, 1922.

Among the assets turned over to the Board of Managers by the Board of Prison Commissioners was one promissory note for \$681.98, dated May 14, 1920, and signed by R. P. Dean, Mrs. Lucy A. Dean and Mr. G. W. Roach, given in payment of a deficit in his accounts while Agent at Maydelle. To apply on this note the Board has collected two payments of \$50.00 each, or \$100.00, and is now endeavoring to secure payment of the balance of the note.

Other minor accounts also were collected, all of which were duly transmitted to the State Treasury, and set out in financial statements attached to our reports.

The present financial condition of the road is set out in the summary below. Certain deductions aggregating somewhere around twelve or fifteen thousand dollars will be taken from this in the adjustment of freight claims and charges hereinafter referred to as being due the Southern Pacific Lines. This amount, however, is not ascertainable at this time because the Board has not yet been able to arrive at any adjustment amount with the Southern Pacific.

Exhibit "D"—Statement of Assets of Texas State Railroad, January 6, 1923.

Balance in State Treasury to credit of Apprn. C—3524	\$40,417.73
Balance in State National Bank	2,479.50

Relaying Rail yet unsold, approximately 8¼ track miles (negotiations for sale now under way).....	\$20,000.00
Relaying Rail to be retained for utility use, about one mile .....	2,000.00
Old Baldwin Locomotive No. 6, and junk .....	2,000.00
Claim against Federal Government for compensation under Transportation Act, 1920; expect to recover ....	31,737.87
Note against R. P. Dean, et al, for \$681.98, less \$100 collected .....	581.98
Total assets .....	\$99,217.08

The reconstruction of the road and its rehabilitation is practically completed, and its 32 miles now have a reasonable value of \$30,000 per mile, or a total value of .....\$960,000.00

From the above it will be seen that with the physical assets, cash on hand, and the physical value of the road, the State of Texas now has a property worth, at a reasonable estimate .....\$1,059,217.08

A personal inspection of the Texas State Railroad made on December 14th, 1922, by the members of the Board of Managers, indicates that the road is being well maintained and substantial improvement being carried on continually. New creosoted ties are being steadily inserted; the line and surface of the track is good; ditches are being cleaned; the entire line has been fully equipped with standard signs, such as whistling boards, station boards, highway crossing signs, bridge signs, railroad crossing signs; right-of-way being cut and cleared; depots repaired and repainted; switch stands and switch targets repainted; all public highway crossings being well maintained; bridges well maintained; new creosote drain boxes being put under public highway crossings; new culverts, cattle guards and cattle guard wing fences being put in good condition. The road in its present physical condition is safe for any reasonable rate of speed for freight and passenger trains. Train and engine employees are assisting in the solicitation of business, being

apparently very much interested in rendering the best of service to the public; and the public is apparently well satisfied with the service.

There is now being operated over the road double daily passenger and freight service, with Pullman service between Palestine and Dallas. The volume of business handled by the Texas State Railroad and its revenues have steadily increased from month to month since its operation was resumed on November 5, 1921.

Because of the extensive rehabilitation work conducted by the T. & N. O. after that company took over the road (practically all of which was charged to the joint operating account, and which was occasioned by reason of the Board's not getting the use of the 50 convicts for a full year as contemplated by the Act), operating expenses were at first quite heavy. It was necessary to retain several section crews in excess of the number ordinarily required to keep up the road. However, since the complete relaying of the track with heavy rail, the insertion of new ties, and the almost complete resurfacing of the track, this heavy expense is being reduced, and our operating cost correspondingly reduced. And in view of the substantial character of these improvements the cost of maintenance, except for tie renewals, should be much less per mile next year than it was for the past year.

The Chairman of the Board has been in repeated conference with executives of several different railroad systems during the past few weeks, with a view to effecting a sale of the State Railroad, and prospects for disposing of the road outright within the near future are promising.

Notwithstanding the expense of the rehabilitation of the road generally, all indebtedness subsequent to March 12, 1921, with the exception of a balance on freight charges etc. due the Southern Pacific being held up because of numerous dis-

crepancies yet unadjusted in our favor, there is at present to the credit of the Texas State Railroad appropriation fund \$42,897.23 cash, or almost twice the amount originally appropriated. In addition, besides the \$31,737.87 which the Board hopes to recover from the Federal Government, and other outstanding assets as tabulated in Exhibit "D," negotiations for the sale of the remainder of the old relaying rail, except a mile or so to be reserved for utility purposes, are expected to be consummated within the next few days for a consideration of not less than \$20,000.00.

As Chairman and in behalf of the Board of Managers, as provided by law, I submit this report to Your Excellency showing the manner in which the Board has performed its duties under the laws in caring for the State's property, viz., the Texas State Railroad, thirty-two miles in length, operating from Rusk to Palestine.

In view of the depleted physical condition of the road at the time the Board took it over, its most unfortunate financial history and its well-known wrecked physical condition, the Board most respectfully invites a committee of the Senate and House to visit the property. With the closing of the Thirty-seventh Legislature, as we construe the Act, the present personnel of the Board retires, and in justice to the Board, on the eve of its retirement it is only fair to ask that a committee of the Senate and the House make an inspection of the road and file such report as they may have to make, with the Thirty-eighth Legislature. For the reasons set out the Board respectfully asks that it be granted this courtesy.

Respectfully,

Board of Managers, Texas State Railroad.

By LYNCH DAVIDSON,  
Chairman.

Attest:

EDWARD KILMAN,  
Secretary.

**LIST OF DEPOSITS AND WARRANTS APPROVED—APPROPRIATION  
C-3524, AUGUST 16, 1921, TO JANUARY 31, 1922.**

Balance in fund, Aug. 16, 1921, as shown by certified statement  
of Comptroller, printed in Senate Journal .....\$30,821.71  
**DEPOSITS.**

**1921—**

Nov. 14, Balance in Farmers & Merchants State Bank Maydelle, as of November, 1921.....\$	10.04
Dec. 7, Balance, Guaranty State Bank, Palestine..	194.59
Dec. 14, Certified check, Birmingham, Rail & Lo- comotive Co., Birmingham, Ala., initial pay- ment on locomotive No. 7 (total price \$12,500, balance payable before removal of locomotive from state line) .....	4,000.00
Dec. 15, Balance, Royall National Bank, Hospital Account .....	414.10

**1922—**

Jan. 15, Balance, Farmers & Merchants State Bank, Rusk, Texas .....	76.67
--	-------

Total deposits .....	4,695.40
----------------------	----------

\$35,517.11

**WARRANTS APPROVED.****1921**

Aug. 16, J. A. Glen, expense .....	\$ 28.90
Aug. 16 C. R. Woodall .....	6.00
Aug. 16, Western Union Tel. Co. ....	1.70
Aug. 16, C. & N. E. R. R. 3 motor cars .....	450.00
Aug. 16, L. Davidson, expense .....	22.36
Aug. 19, S. R. Brooks, expense .....	29.46
Aug. 16, Texas Company .....	25.32
Aug. 16, Palestine Telephone Co. ....	35.20
Aug. 16, Powell Land & Lbr. Co., materials .....	291.63
Aug. 20, E. C. Durham, expense .....	172.43
Aug. 27, J. N. Vickers .....	10.00
Aug. 20, Payroll:	
W. P. Smith, Audr. ....	100.00
J. L. Hester, foreman .....	75.00
Ed McGriff, lab. ....	15.50
Ed Boutte, lab. ....	13.00
Ike Long, lab. ....	9.50
Mose Hunter, lab. ....	23.00
Ed Bell .....	17.00
Will Perry .....	16.75
W. H. Jefferson .....	13.15
Wade Lee .....	6.00
Walter Sapp .....	15.55
James Price .....	14.00
Mac Turner .....	15.00
N. Patterson .....	20.00
Harmon Green .....	6.50
L. W. Wilson .....	10.00
Glenny Price .....	1.00
W. McKenzie .....	5.00
L. L. Price .....	2.00
Lee Davis .....	4.00
Andy Hode .....	6.30
O. P. Lindsay .....	8.20
Clarence Lane .....	7.60
L. Rawlings .....	1.30
Henry Pinson .....	4.15
A. McGriff .....	1.50

Rufus Jones .....	\$ 16.50
Lonze Wiggins .....	10.00
Douglas Polk .....	7.40
James Sarden .....	5.37
J. W. Miller .....	24.00
Lively & sn. bd. ....	127.35
K. Vogel, steno. ....	25.00
A. McGriff, lab. ....	22.00
H. Swanson .....	5.95
Morgan Butler .....	21.00
A. Bridges .....	1.00
O. Michawe .....	6.75
John Sanford .....	14.00
Roger Williams .....	4.00
Harry Casey .....	9.00
Taylor Green .....	8.00
Sam Miller .....	11.50
T. B. Glasgow .....	17.00
Burse Michawe .....	7.00
Morg. Barrett .....	6.00
Jack Redwine .....	10.00
Herman Green .....	8.00
Ed Pinson .....	7.50
S. J. Jackson .....	6.00
Himes Wade .....	16.00
S. H. Lindsay .....	4.40
D. W. McGowen .....	3.35
M. Lacy .....	8.52
W. Singtry .....	2.12
T. McKelley .....	5.75
C. Lacy .....	3.77
Allen Polk .....	7.50
Link Doty .....	3.15
B. T. Cleaver .....	7.30
J. W. Miller, bd. ....	225.74
J. B. Watson, bd. ....	143.08
1921	
Sept. 5, Royall Natl. Bank, overddraft acct. ....	276.67
Sept. 9, W. P. Smith, Auditor, payroll .....	100.00
Sept. 9, J. L. Hester, foreman .....	75.00
Sept. 9, K. Vogel, stenographer .....	25.00
Sept. 10, S. R. Brooks, expense .....	63.08
Sept. 14, I. & G. N. R. R. construction work .....	332.18
Sept. 14, A. Murphy, teaming .....	747.50
Sept. 16, S. W. Tel. Co., Houston .....	4.65
Sept. 16, S. W. Tel. Co., Houston .....	6.45
Sept. 17, W. P. Smith, Auditor, P/R .....	100.00
Sept. 17, K. Vogel, steno. ....	25.00
Sept. 17, J. W. Miller, lab. ....	20.00
Sept. 17, Ed Phillips, lab. ....	7.00
Sept. 17, P. J. McCown, lab. ....	4.00
Sept. 17, E. L. Bell, lab. ....	18.00
Sept. 17, E. B. Blackshear, lab. ....	14.00
Sept. 17, R. E. Williams, lab. ....	18.00
Sept. 17, Clint Tennant, lab. ....	16.00
Sept. 17, C. Washington, lab. ....	4.00
Sept. 17, W. D. Alexander, lab. ....	3.00
Sept. 17, F. C. Ford, lab. ....	2.00
Sept. 17, J. Kemp, lab. ....	2.00
Sept. 27, T. R. Benge .....	4.57
Sept. 27, Palestine Hardware Co. ....	22.65
Sept. 27, S. Raymond Brooks, sal. ....	175.00
Sept. 27, S. R. Brooks, expense .....	55.18

Sept. 17, J. J. Collins & Son, Chicago .....	\$ 32.00
Sept. 27, C. B. Guthrie, Agt., Washington .....	14.82
Sept. 27, Geo. E. Dilley & Son, Palestine .....	44.20
Sept. 30, S. R. Brooks, expense .....	60.05
Oct. 1, J. A. Glen, expense .....	15.13
Oct. 6, Postal Tel. Co., Austin .....	.89
Oct. 6, J. A. Glen, Tel. acct. ....	8.15
Oct. 7, Royall Natl. Bank, overdraft acct. ....	172.20
Oct. 7, S. R. Brooks, trav. exp. ....	65.30
Oct. 14, S. W. Bell Tel. Co., Houston .....	10.80
Oct. 14, Western Union Tel. Co., Houston .....	27.60
Oct. 14, W. P. Smith, Audr. payroll .....	65.00
Oct. 14, K. Vogel, stenographer .....	25.00
Oct. 14, M. W. Carley, foreman .....	75.00
Oct. 14, J. W. Miller, lab. ....	30.00
Oct. 14, E. L. Bell, lab. ....	16.00
Oct. 14, B. E. Williams, lab. ....	18.00
Oct. 14, E. B. Blackshear, lab. ....	18.00
Oct. 14, E. C. Ford, lab. ....	26.00
Oct. 14, Mose Hunter, lab. ....	8.00
Oct. 14, Rube Belcher, lab. ....	2.00
Oct. 14, O. P. Lindsay, lab. ....	2.00
Oct. 14, A. D. Hode, lab. ....	2.00
Oct. 14, Ed Phillips, lab. ....	2.00
Oct. 14, Perlle Hode, lab. ....	2.00
Oct. 14, C. Tennard, lab. ....	26.00
Oct. 14, John Allen, lab. ....	10.00
Oct. 14, Willie Williams, lab. ....	8.00
Oct. 14, Sam McKewen, lab. ....	2.00
Oct. 19, W. P. Smith, Auditor .....	100.00
Oct. 19, K. Vogel, steno. ....	25.00
Oct. 19, M. W. Carley, foreman .....	75.00
Oct. 19, J. W. Miller, lab. ....	30.00
Oct. 19, Mose Hunter, lab. ....	23.05
Oct. 19, W. Chancey, lab. ....	2.00
Oct. 19, F. C. Ford, lab. ....	5.15
Oct. 19, C. Tennard, lab. ....	6.50
Oct. 19, L. Shepherd, lab. ....	18.00
Oct. 19, Paris Daniel, lab. ....	23.55
Oct. 19, R. Belcher, lab. ....	11.00
Oct. 19, O. P. Lindsey, lab. ....	26.00
Oct. 19, A. D. Hode, lab. ....	25.00
Oct. 19, E. Phillips, lab. ....	15.20
Oct. 19, Sam McKewen, lab. ....	.95
Oct. 19, P. Hode, lab. ....	16.05
Oct. 19, J. Lindsey, lab. ....	8.00
Oct. 19, A. Main, lab. teams .....	175.00
Oct. 19, T. Cook, lab. ....	18.00
Oct. 19, Dallas Waste Mills .....	7.98
Oct. 19, Texas Company, Houston .....	39.95
Oct. 19, Chas. Mullinix, Maydelle .....	5.75
Oct. 19, W. L. Foshee, Maydelle .....	12.20
Oct. 19, Palestine Hardware Co. ....	36.55
Oct. 19, Palestine Printing Co. ....	7.50
Oct. 19, Geo. F. Pessoney, refund ties paid for....	198.00
Oct. 21, I. & G. N. R. R. frt. loc. No. 6 from Hville	128.50
Oct. 22, J. W. Miller, board, deduct from P/R....	57.75
Oct. 22, J. B. Watson & Son, ded. from P/R.....	48.00
Oct. 24, S. R. Brooks, expense .....	67.38
Oct. 28, L. Davidson, traveling expense .....	49.25
Oct. 28, Tobin Book Co., stationery .....	40.14
Oct. 28, S. R. Brooks, salary .....	175.00
Oct. 29, Remington Typewriter Co. ....	3.80

---

Nov. 3,	E. L. Wilson Hdw. Co., shovels .....	\$ 43.50
Nov. 3,	S. W. Bell Tel. Co., Houston .....	8.90
Nov. 7,	W. P. Smith, Auditor, payroll .....	100.00
Nov. 7,	K. Vogel, stenographer .....	25.00
Nov. 9,	Southern Hardware — Sup. Co., spikes....	150.00
Nov. 7,	M. W. Carley, foreman .....	75.00
Nov. 7,	J. W. Miller, lab. ....	32.60
Nov. 7,	W. C. Ford, lab. ....	4.60
Nov. 7,	Mose Hunter, lab. ....	18.60
Nov. 7,	C. Tennard, lab. ....	6.47
Nov. 7,	P. Daniels, lab. ....	8.00
Nov. 7,	W. Cheney, lab. ....	3.00
Nov. 7,	C. W. Curtis, lab. ....	16.00
Nov. 7,	D. Ribsby, lab. ....	22.00
Nov. 7,	F. C. Goree, lab. ....	14.40
Nov. 7,	J. L. Butler, lab. ....	4.00
Nov. 7,	H. Kelley, lab. ....	2.00
Nov. 7,	L. Shepherd, lab. ....	16.00
Nov. 7,	C. Lofton, lab. ....	4.00
Nov. 7,	J. J. Jackson, lab. ....	8.00
Nov. 7,	R. Belcher, lab. ....	10.30
Nov. 7,	A. D. Hode, lab. ....	18.55
Nov. 7,	O. P. Lindsay, lab. ....	17.20
Nov. 7,	Ed Phillips, lab. ....	14.50
Nov. 7,	P. Hode, lab. ....	19.35
Nov. 7,	J. Lindsey, lab. ....	22.30
Nov. 7,	A. Main, teams .....	363.00
Nov. 7,	J. W. Miller, board deduct P/R .....	108.73
Nov. 7,	J. B. Watson, board deduct P/R.....	53.80
Nov. 7,	Magnolia Petroleum Co. ....	180.62
Nov. 7,	Palestine Hardware Co. ....	19.05
Nov. 7,	Davenport Lumber Co., ties .....	234.00
Nov. 7,	S. W. Bell Tel. Co., Palestine .....	2.80
Nov. 7,	Fairbanks & Morse Co. ....	37.25
Nov. 7,	Independent Lbr. Co., materials .....	144.50
Nov. 7,	Independent Lbr. Co., materials .....	217.25
Nov. 15,	J. A. Glen, telephone acct. ....	15.75
Nov. 15,	Houston Post, adv. ....	1.08
Nov. 15,	Palestine Tel. Co. ....	20.10
Nov. 15,	S. R. Brooks, traveling expenses .....	65.85
Nov. 16,	Royall National Bank, overdraft acct....	28.47
Nov. 16,	Morris Machine Co., Palestine .....	8.00
Nov. 19,	Geo. Schmidt Hardware Co., Pal. ....	11.50
Nov. 19,	Silliman Hardware Co., Palestine .....	47.10
Nov. 19,	Pere Marquette Ry. Detroit .....	4.00
Nov. 19,	Palestine Hardware Co. ....	12.15
Nov. 19,	J. L. Hester, sal. last half Sept. ....	75.00
Nov. 23,	W. P. Smith, sal. first half Nov. ....	100.00
Nov. 23,	K. Vogel, steno. ....	25.00
Nov. 23,	M. W. Carley, foreman .....	60.00
Nov. 23,	J. W. Miller, lab. ....	12.00
Nov. 23,	F. C. Ford, lab. ....	3.00
Nov. 23,	Mose Hunter, lab. ....	12.00
Nov. 23,	C. Tennard, lab. ....	1.00
Nov. 23,	W. Clancey, lab. ....	1.00
Nov. 23,	D. Rigsby, lab. ....	4.00
Nov. 23,	F. C. Grove, lab. ....	2.50
Nov. 23,	J. L. Butler, lab. ....	1.00
Nov. 23,	J. Jackson, lab. ....	5.75
Nov. 23,	L. Gibson, lab. ....	1.00
Nov. 23,	A. D. Hode, lab. ....	3.35
Nov. 23,	O. P. Lindsey, lab. ....	8.60
Nov. 23,	Ed Phillips, lab. ....	.70

Nov. 23, P. Hode, lab. ....	\$ 5.25
Nov. 23, J. Lindsey, lab. ....	10.00
Nov. 23, A. Main, teams .....	150.00
Nov. 23, T. Cook, lab. ....	15.00
Nov. 23, J. W. Miller, board, ded. P/R.....	77.75
Nov. 23, J. B. Watson & Son, board, deduct P/R....	32.10
Nov. 26, S. R. Brooks, salary .....	175.00
Nov. 26, Western Union Tel. Co., Houston .....	6.68
Nov. 30, S. W. Bell Tel. Co., Houston .....	3.90
Nov. 30, S. R. Brooks, traveling expense .....	99.10
Nov. 30, S. W. Bell Tel. Co., Houston .....	1.95
Nov. 30, S. W. Bell Tel. Co., Houston .....	3.15
Nov. 30, S. R. Brooks, expense .....	38.50
Dec. 5, E. S. Bolton, Maydelle, ties .....	180.80
Dec. 5, A. Main, Palestine, ties .....	22.80
Dec. 5, James Singleton, Palestine, ties .....	158.45
Dec. 5, C. S. Grogan, Rusk, ties .....	31.20
Dec. 5, S. S. Sanders, Palestine, ties .....	55.50
Dec. 7, J. Singleton, ties .....	50.40
Dec. 7, C. S. Sanders, ties .....	150.90
Dec. 7, R. A. Grogan, ties .....	134.40
Dec. 7, E. S. Bolton, ties .....	64.00
Dec. 10, E. C. Durham, expense .....	19.42
Dec. 14, W. P. Smith, sal. ....	100.00
Dec. 14, S. D. Lindsey, ties .....	151.10
Dec. 14, E. S. Bolton, ties .....	323.90
Dec. 14, R. M. White, ties .....	88.40
Dec. 14, R. B. Johnson, ties .....	23.50
Dec. 14, Dan Turner, ties .....	74.00
Dec. 14, C. A. Hancock, ties .....	21.20
Dec. 14, Rusk Cherokeean, adv. ....	1.80
Dec. 14, S. R. Brooks, traveling expense .....	81.78
Dec. 19, S. R. Brooks, sal. December .....	175.00
Dec. 19, S. W. Bell Tel. Co., Houston .....	3.75
Dec. 19, R. G. Bradley, ties .....	51.70
Dec. 21, W. P. Smith, sal. ....	100.00
Dec. 27, W. U. Tel. Co., Houston .....	8.36
Dec. 29, J. H. Williams, ties .....	72.65
Dec. 29, C. S. Sanders, ties .....	267.45
Dec. 29, R. Clemis, ties .....	129.55
Dec. 29, W. Clemis, ties .....	77.45
Dec. 29, J. W. Mathews, ties .....	105.55
Dec. 29, James Singleton, ties .....	344.70
Dec. 29, Alton Main, ties .....	82.30
Dec. 29, J. W. Teel, ties .....	42.00
Dec. 29, R. A. Grogan, ties .....	151.80
Dec. 29, C. M. Woodward, ties .....	123.95
Dec. 29, K. C. Lusk, ties .....	103.60
Dec. 29, L. J. Watson, ties .....	87.75
Dec. 29, E. S. Bolton, ties .....	751.90
Dec. 29, S. D. Lindsay, ties .....	42.50
Dec. 29, R. A. Grogan, ties .....	31.45
Dec. 30, S. R. Brooks, trav. exp. ....	60.00
1922.	
Jan. 5, K. Vogel, steno. ....	5.00
Jan. 5, W. P. Smith, Auditor .....	100.00
Jan. 9, Houston Chronicle Pub. Co., adv. ....	4.50
Jan. 9, S. W. Bell Tel. Co., Palestine.....	4.35
Jan. 9, W. P. Smith, cash items paid .....	34.86
Jan. 9, T. J. Moore, ties .....	18.90
Jan. 12, J. A. Glen, telephone acct. ....	5.60
Jan. 12, Houston Post, adv. ....	1.96
Jan. 12, C. M. Woodward, ties .....	100.20

Jan. 12, Alton Main, ties .....	\$ 19.75	
Jan. 12, L. W. Mathews, ties .....	39.65	
Jan. 12, R. M. White, ties .....	24.05	
Jan. 14, Clarke & Courts, stny. ....	109.00	
Jan. 19, Lumber Trade Journal .....	7.35	
Jan. 20, W. L. Foshee, car repairs .....	22.10	
Jan. 20, E. S. Bolton, Maydelle, mtl's. ....	3.90	
Jan. 20, A. M. Burns, Palestine, car parts .....	20.73	
Jan. 20, E. L. Wilson Hdw. Co., tools .....	44.50	
Jan. 20, Beaumont Enterprise, adv. ....	5.40	
Jan. 24, S. D. Lindsey, ties .....	98.50	
Jan. 24, J. C. Luck, ties .....	83.10	
Jan. 24, Alton Main, ties .....	109.35	
Jan. 24, L. W. Mathews, ties .....	60.05	
Jan. 24, L. A. Grogan, ties .....	10.15	
Jan. 24, James Singleton, ties .....	227.55	
Jan. 24, G. S. Sanders, ties .....	263.10	
Jan. 24, W. Clemis, ties .....	68.65	
Jan. 24, R. Clemis, ties .....	72.95	
Jan. 24, C. S. Sanders, ties .....	87.25	
Jan. 24, James Singleton, ties .....	105.05	
Jan. 24, J. H. Williams, ties .....	63.30	
Jan. 24, Knox Overton, ties .....	390.40	
Jan. 24, S. W. Bell Tel. Co., Houston .....	20.25	
Jan. 24, Western Union Tel. Co., Houston .....	13.26	
Jan. 26, Dallas News, adv. ....	1.68	
Jan. 31, S. R. Brooks, salary .....	175.00	
Jan. 31, S. R. Brooks, expenses .....	141.10	
Feb. 2, Knox Overton, ties .....	462.55	
Feb. 2, C. M. Woodward, ties .....	245.10	
Feb. 13, The Cargill Company, Houston, sups. ....	13.95	
Feb. 13, Waddell Housefurnishing Co., file .....	51.20	
Feb. 16, J. Q. Weatherly, salary Feb. ....	175.00	
Feb. 16, Southwestern Bell Tel. Co., Houston .....	26.49	
Feb. 16, J. W. McCullough Co., audit .....	820.81	
Feb. 16, Magnolia Petroleum Co., gasoline .....	16.76	
Feb. 16, Tobins Book store, stationery .....	18.26	
Feb. 16, Dealy, Adey Elgin Co., stationery .....	2.10	
Feb. 16, Western Union Tel. Co., Houston .....	26.27	
Feb. 25, J. Q. Weatherby, trav. exp. ....	60.64	
Jan. 25, J. W. McCullough Co., aud. serv. ....	100.96	
Feb. 25, Palestine Hardware Co., sups. ....	4.30	
Total warrants .....	\$19,093.96	
Balance in treasury Feb. 28, 1922 .....	\$16,423.15	\$35,517.11

LIST OF DEPOSITS AND WARRANTS APPROVED, APPROPRIATION  
C-3524, FEBRUARY 28, 1922, TO JUNE 30, 1922.

Balance in fund, February 28, 1922, as shown by certified statement of Comptroller, filed in your office .....\$16,423.15

DEPOSITS.

March 30, 1922, Check of Independent Lbr. Co. .... 2.66  
April 12, 1922, Check Western Weighing Ins. Co. .... .70  
April 12, 1922, Returned for cancellation various warrants not cashed, as follows:

Warrant No.	Favor.	
91500	Andrew McGriff .....	1.50
91509	B. F. Cleaves .....	7.30
88460	Geo. Tucker .....	1.00
88474	Butler Jones .....	4.00
91482	Clenny Price .....	1.00
88475	Luke Darby .....	4.00



88458	Haley Patterson .....	\$	1.00
88466	Geo. Watson .....		2.00
91485	Herman Green .....		8.00
16709	Dan Rigsby .....		4.00
88467	H. W. Lowe .....		4.00
April 12, 1922,	Check on Lumberman's Nat'l Bank.....		19,131.35
April 24, 1922,	Check of R. P. Dean on note.....		50.00
April 26, 1922,	Fed'l Govt. warrant No. 54225.....		6.28
April 30, 1922,	Cashier's check No. 11059 by First Nat'l Bank, Palestine, on Nat'l Exchange Bank, Houston.....		85.00
June 26, 1922,	Check Lumberman's Nat'l Bank.....		1,094.10
June 1, 1922,	Warrant favor Verona Tool Works returned for cancellation.....		381.22

\$37,212.26

## WARRANTS.

1922		
March 4,	Underwood Typewriter Co. ....	\$ 2.00
March 4,	Royal Typewriter Co. ....	12.50
March 4,	Robt. W. Hunt & Co. ....	74.71
March 4,	Teolin Pillot Co. ....	5.80
March 8,	J. Q. Weatherly .....	38.93
March 11,	Raymond Brooks .....	47.36
March 11,	Knox Overton .....	110.15
March 14,	Hyman Michaels Co. ....	2,624.00
March 15,	J. W. McCullough .....	101.02
March 18,	J. A. Glen .....	24.90
March 18,	C. S. Huston .....	39.60
March 18,	Western Union Tel. Co. ....	27.87
March 24,	J. Q. Weatherly .....	41.10
March 24,	J. W. McCullough .....	1,125.94
March 29,	J. W. McCullough .....	346.90
March 30,	J. Q. Weatherly .....	175.00
March 30,	C. I. Thomason .....	3.50
April 17,	Rein Printing Co. ....	20.00
April 17,	Kee Lox Mfg. Co. ....	5.00
April 17,	Mrs. Irl Allen .....	5.00
April 17,	Clarke & Courts .....	50.44
April 17,	Western Union Tel. Co. ....	39.49
April 17,	J. W. McCullough .....	275.22
April 17,	I. & G. N. R. R. ....	14.47
April 17,	S. W. Bell Tel. Co. ....	35.60
April 17,	J. Q. Weatherby .....	30.45
April 17,	Verona Tool Works .....	381.22
April 24,	Gulf Coast Lumberman .....	30.00
April 24, 1922,	Silliman Hdw. Co. ....	86.00
April 24,	Bethlehem Steel Co. ....	2,139.25
April 24,	Herman Schmidt & Co. ....	89.60
April 24,	Cargill Co. ....	10.00
April 30,	J. Q. Weatherly .....	175.00
April 24,	J. Q. Weatherly .....	33.04
April 24,	Western Union, Austin .....	.40
May 5,	Fairbanks Morse Co. ....	23.60
May 5,	J. Q. Weatherly .....	22.00
May 9,	Palestine Herald .....	1.75
May 9,	J. W. McCullough .....	170.64
May 9,	J. W. McCullough .....	200.00
May 20,	Clarke & Courts .....	44.00
May 20,	J. Q. Weatherly .....	33.69
May 25,	Western Union .....	14.51
May 29,	J. Q. Weatherly .....	175.00
May 29,	G. S. Huston .....	40.00
May 29,	S. W. Bell Tel. Co. ....	24.31

May 9, J. A. Glen .....	\$	9.50	
June 1, J. Q. Weatherly .....		29.40	
June 1, Verona Tool Works .....		386.07	
June 10, Disbursing Clk. U. S. Dept. Agri.....		2,189.50	
June 10, State Highway Dept. ....		218.95	
June 10, J. S. Sherman .....		25.00	
June 10, Kee Lox Mfg. Co. ....		2.00	
June 10, L. Davidson .....		45.52	
June 20, S. W. Bell Tel. Co. ....		27.15	
June 30, J. Q. Weatherly .....		175.00	
June 19, J. Q. Weatherly .....		60.40	
June 14, Cargill Company .....		5.50	
June 15, J. W. McCullough .....		300.32	
June 14, Western Union .....		15.05	
June 14, Teolin Pillot .....		2.25	
June 30, J. W. McCullough Co. ....		200.00	
June 30, W. H. Nichols .....		5,327.73	\$23,190.30

Balance July 1, 1922 .....\$14,021.96

I certify that the above account is correct.

(Signed) LON A. SMITH,  
State Comptroller.

LIST OF DEPOSITS AND WARRANTS APPROVED, APPROPRIATION  
C-3524, JUNE 30, 1922, TO JANUARY 6, 1923.

Balance in fund, June 30, 1922, as shown by certified statement  
of Comptroller, filed in your office .....\$14,021.96

DEPOSITS.

1922

July 22, Check Lumberman's Nat'l Bank, Houston \$11,035.68

1923

Jan. 6, Check Lumberman's Nat'l Bank, Houston.. 16,993.65 28,029.33

\$42,051.29

WARRANTS APPROVED.

1922

July 21, Western Union, No. 60507 .....\$ 10.27

July 25, G. S. Huston, No. 60637 ..... 5.00

July 25, W. H. Nichols, No. 60638 ..... 425.21

July 21, J. A. Glen, No. 60508 ..... 6.45

July 21, Kee Lox Mfg. Co., No. 60506 ..... 1.00

July 22, J. Q. Weatherly ..... 15.00

July 29, J. Q. Weatherly, No. 60071 ..... 175.00

S. W. Bell Tel. Co. .... 54.47

July 1, J. Q. Weatherly, No. 58562 ..... 33.01

J. W. McCullough, No. 57823 ..... 100.18

July 27, W. A. Wetzel, No. 60806..... 200.00

Aug. 30, J. Q. Weatherly, No. 65039 ..... 96.85

Aug. 30, J. Q. Weatherly, No. 65038 ..... 175.00

Aug. 30, Texas Blue Print Co., No. 65037..... 2.60

Sept. 13, Cargill Co., No. No. 1831 ..... 5.20

Sept. 13, Kee Lox Mfg. Co., No. 1832 ..... 5.00

Sept. 13, I. & G. N. Ry. Co., No. 1893 ..... 12.00

Sept. 13, G. C. S. F. Ry., No. 1834 ..... 19.00

Sept. 15, Wier Long Leaf Lbr. Co., No. 2110..... 67.15

Sept. 19, T. G. Frazee ..... 99.75

Sept. 25, S. W. Bell Tel. Co., No. 3966..... 9.60

Nov. 3, Clarke & Courts, No. 15106 ..... 26.61

Nov. 3, Cargill Company, No. 15107 ..... 3.35

Nov. 3, Remington Typewriter Co., No. 15108..... .75

Nov. 3, Kee Lox Mfg. Co., No. 15109 ..... 6.00

Nov. 3, S. W. Bell Tel. Co., No. 15110 ..... 2.75

Nov. 3, E. C. Durham, No. 15111 ..... 28.41

Dec. 8, Royal Typewriter Co., No. 25620 .....	\$ 3.00
Dec. 8, Houston Chronicle Pub. Co., No. 25621 ....	1.52
Dec. 8, Western Union Tel. Co., No. 25622 .....	15.31
Dec. 8, Kee Lox Mfg. Co., No. 25618 .....	5.00
Dec. 8, Houston Printing Co., No. 25619 .....	.54
Dec. 12, S. W. Bell Tel. Co., No. 27156 .....	2.75
Dec. 19, T. & N. O. Ry., No. 29158 .....	16.83
<b>Total warrants .....</b>	<b>\$ 1,633.56</b>
<b>Balance in treasury Jan. 6, 1922.....</b>	<b>\$40,417.73</b>
I certify that the above account is correct.	

LON A. SMITH,  
State Comptroller.

**STATEMENT OF BOARD OF MANAGERS TEXAS STATE RAILROAD  
IN ACCOUNT THE LUMBERMANS NATIONAL BANK.**

**Balance in bank June 30, 1922 .....** \$ 2,100.00

**DEPOSITS.**

1922	
July 7, Check Birmingham Rail & Locom. Co. ....	\$ 753.22
July 20, Check R. W. Wier Lumber Co. ....	7,882.46
July 21, Check Palmetto Lbr. Co. ....	300.00
July 30, Draft Birmingham Rail & Loco. Co. ....	691.44
Aug. 17, Check Sugarland Industries .....	5,449.86
Aug. 17, Check Geo. Cleveland, Jr. ....	1,670.00
Sept. 1, Checks, U. S. Govt. ....	8.70
Sept. 18, Check R. P. Dean .....	50.00
Sept. 27, .....	22.83
Oct. 27, Draft Delta Land & Timber Co. ....	10,047.00
Nov. 6, Check J. Q. Weatherly .....	271.85
<b>Total deposits .....</b>	<b>\$27,147.36</b>
	<b>\$29,247.36</b>

**DISBURSEMENTS.**

July 22, Check to Treasurer .....	\$11,035.68
Sept. 12, Check J. Q. Weatherly .....	271.85
Sept. 19, Check J. Q. Weatherly .....	144.77
Oct. 9, Check Edw. Kilman .....	35.00
Sept. 24, Check Edw. Kilman .....	175.00
Nov. 8, Check Edw. Kilman .....	24.65
Nov. 14, Check Edw. Kilman .....	87.50
Dec. 1, Check Edw. Kilman .....	87.50
Dec. 1, Check Edw. Kilman .....	64.47
Dec. 18, Check S. P. Ry. Co. ....	77.29
Dec. 18, Check to pay draft S. Raymond Brooks....	250.00
1923	
Jan. 6, Check to Treasurer .....	16,993.65

**Total disbursements .....** \$29,247.36

**STATEMENT OF BOARD OF MANAGERS TEXAS STATE RAILROAD  
IN ACCOUNT STATE NATIONAL BANK.**

**Balance in bank June 30, 1922 .....** \$ 000.00

**DEPOSITS.**

1922	
Nov. 27, Draft Cia. Minera de Penoles, S. A.....	\$ 975.00
Nov. 28, Birmingham Rail & Loco. Co. ....	1,504.50
<b>Total deposits .....</b>	<b>\$ 2,479.50</b>

**DISBURSEMENTS—None.**

**Balance in bank Jan. 6, 1923.....** \$ 2,479.50

On motion of Senator Dudley, the report was ordered printed in the Journal.

#### Senate Concurrent Resolution No. 2.

By Senator McMillin:

Be it Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of the House and Senate of the Thirty-seventh Legislature be adopted as the Joint Rules of the House and Senate of the Thirty-eighth Legislature, until amended or changed by action of both House and Senate.

Read first time and adopted.

#### Address by Lieutenant Governor Lynch Davidson.

Lieutenant Governor Lynch Davidson briefly addressed the Senate, giving a short sketch of what had been accomplished during the time he had served as presiding officer of the Senate, eulogizing the constructive work done by the Thirty-seventh Legislature.

Brief replies by Senators Woods and Dudley expressed the appreciation and esteem of the Senate for Lieutenant Governor Lynch Davidson.

#### Simple Resolution No. 5.

By Senator Darwin:

Whereas, the Hon. R. E. L. Knight of Dallas, one of the distinguished lawyers of the State, is present, therefore,

Be it Resolved, That Judge Knight be invited to address the Senate.

Bledsoe, Dudley, Wood, Darwin, Parr, Bowers.

The resolution was read and adopted.

The Chair appointed Senators Darwin, Dudley and Wood to escort Mr. Knight to the stand.

The Chair presented Mr. Knight, who then addressed the Senate.

#### Senate Concurrent Resolution No. 3.

By Senator Dudley:

Whereas, Since the construction of the Elephant Butte Reservoir in the State of New Mexico, the former channel of the Rio Grande at and below the city of El Paso, has become obstructed by the accumula-

tion of silt and growth of reeds and brush; and

Whereas, The Rio Grande is subject at times to floods originating south of said reservoir, exceeding 8,000 second feet of flow, and which floods, by reason of torrential rains, might be much larger in amount; and

Whereas, Large areas in the city of El Paso and in the irrigated district below said city, with improvements aggregating millions of dollars, are threatened, from time to time, with destruction by reason of the partial obliteration of the river channel; and

Whereas, The Rio Grande is an international boundary stream, and as such subject to the exclusive control and jurisdiction of our Federal Government, and by virtue of the International Boundary Treaty between the United States and Mexico, no changes or alterations in said river, its channel or its banks, can be made except with the approval and under the control of the International (Water) Boundary Commission; now therefore be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Senators from the State of Texas in the Senate of the United States, be instructed, and the Representatives of the State of Texas in the House of Representatives of the United States be requested to take such action in Congress, and to use their best efforts to secure such action on behalf of the Executive Department of the United States as may be necessary, at the earliest practicable moment, to secure surveys and plans to handle the flood waters of the Rio Grande between the South boundary of the State of New Mexico and Fort Quitman, Texas, as may be necessary to effect that purpose, and to urge upon the Congress of the United States adequate appropriations to carry out such plan.

Be it further Resolved, That a copy of this concurrent resolution be forwarded to each of the Senators and Representatives of the State of Texas in the Congress of the United States.

Read first time and on motion of Senator Dudley, the resolution was adopted and ordered printed in the Journal.

**Adjournment.**

At 4:20 o'clock p. m. on motion of Senator Davis, the Senate adjourned until 10 o'clock a. m. tomorrow.

**SECOND DAY.**

Senate Chamber,  
Austin, Texas,

Wednesday, January 10, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Fairchild.

Prayer by Willie Hurtt, a student of the State Orphans' Home at Corsicana, and now serving as a page in the Senate.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey.

**Excused.**

Senator Fairchild for the first three days of the session on account of a death in his family, on motion of Senator Cousins.

**Prayer Ordered Printed.**

Senator Bledsoe moved that Willie Hurtt be requested to reduce to writing the invocation he delivered in the Senate this morning, and that the same be printed in the Journal and the motion carried.

**Bills and Resolutions.**

By Senator Cousins:

S. B. No. 3, A bill to be entitled

"An Act appropriating four million five hundred thousand dollars (\$4,500,000.00) out of the State Treasury to aid and promote all the public schools of the State for the scholastic year, beginning September 1, 1922, and ending August 31, 1923, the same being distributed as the Available School Fund is now distributed and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Murphy:

S. B. No. 4, A bill to be entitled "An Act to create a more efficient prison system for the State of Texas, and amending articles 6177, 6178, of the Revised Civil Statutes of the State of Texas, and repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Murphy:

S. B. No. 5, A bill to be entitled "An Act to amend Article 1350 of the Penal Code of the State of Texas, 1911, by providing that the punishment for the crime of theft from the person shall be by confinement in the county jail for not more than six months or by confinement in the penitentiary for not more than seven years."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Murphy:

S. B. No. 6, A bill to be entitled "An Act to amend Article 1340 of the Penal Code of the State of Texas, 1911, by providing that the punishment for the theft of property of the value of \$50 or more shall be by confinement in the county jail not more than six months or by confinement in the penitentiary not more than ten years."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Murphy:

S. B. No. 7, A bill to be entitled "An Act providing for the suspension of the sentence in convictions for misdemeanors and providing for the procedure therein."

Read the first time and referred to the Committee on Criminal Jurisprudence.